

THURSDAY, JANUARY 11, 1996

FORTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rep. West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Ridgeway; illness

Representative Peach; personal reasons

PRESENT IN CHAMBER

Representative(s) Herron and Williams(Union) was/were recorded as being present in the Chamber.

RECOGNITION

Mr. Speaker Naifeh recognized Rep. Cole(Carter) in the well to introduce Congressman James H. Quillen.

RULES SUSPENDED

Rep. Cole(Carter) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 377 out of order, which motion prevailed.

House Joint Resolution No. 377 -- Memorials, Personal Occasion - Congressman James H. Quillen, eightieth birthday. by *Cole (Carter), *Naifeh, *Purcell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cole(Carter), with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 376 -- General Assembly, Statement of Intent or Position - Urges cooperation between Bell South and North Central Telephone Cooperative in facilitating local calling between specific areas in Sumner County and Nashville Davidson County. by *McDonald, *Stamps.

Commerce Committee

INTRODUCTION OF BILLS

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing and passing on first consideration House Bill No. 1997 out of order, which motion prevailed.

House Bill No. 1997 -- Cookeville - Authorizes referendum to determine whether Cookeville City Council should be prohibited from selling or transferring Cookeville General Hospital without prior approval of voters. Amends Chapter 223 of the Private Acts of 1961, as amended. by *Hargrove.

On motion, the following bills were introduced and passed first consideration:

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House Bill No. 1961 -- Criminal Offenses - Increases penalty for offense of escape from Class A misdemeanor or Class E felony to one classification lower than most serious offense for which defendant in custody at time of escape. Amends TCA Section 39-16-605. by *Herron.

House Bill No. 1962 -- DUI/DWI Offenses - Increases from Class B to Class A felony punishment for offense of vehicular homicide resulting from intoxication. Amends TCA Section 39-13-213. by *Herron.

***House Bill No. 1963** Highway Signs - "Joseph O. Fuller Memorial Bridge," I-181 over south fork, Holston River. by *Westmoreland.

***House Bill No. 1964** -- Salaries and Benefits - Limits payment of travel expense allowance to member who owns or operates vehicle if more than one member is transported in such vehicle Amends TCA Section 3-1-106. by *Westmoreland, *Venable, *Hicks, *Cantrell, *Gunnels, *Ramsey, *Boyer, *Walley, *Burchett.

***House Bill No. 1965** -- School Transportation - Exempts school vans from complying with federal requirements relative to school buses, except where specifically required to comply. Amends TCA Title 49, Chapter 6, Part 21. by *Westmoreland.

***House Bill No. 1966** -- Tort Liability - Exempts health care professionals from civil damages for delivering care voluntarily, without compensation, at certain clinics unless act or omission result of gross negligence or willful misconduct; defines "professional" as state employee for certain purposes. Amends TCA Title 8, Chapter 42, Part 1; Title 9, Chapter 8 and Title 63. by *Westmoreland, *Venable, *Cantrell, *Hicks, *Gunnels, *Ramsey, *Patton, *Clabough, *Walley, *Burchett.

***House Bill No. 1967** -- Tort Liability - Exempts health care professionals from civil damages for delivering care voluntarily, without compensation, at clinics organized for delivery of health care services without charge unless act or omission result of gross negligence or willful misconduct. Amends TCA Title 63. by *Westmoreland, *Venable, *Cantrell, *Hicks, *Gunnels, *Ramsey, *Patton, *Clabough, *Walley, *Burchett.

***House Bill No. 1968** -- Mobile Homes and Manufactured Buildings - Codifies certain regulations for permits and movement of overdimensional or overweight vehicles transporting manufactured housing. Amends TCA Title 55, Chapter 7, Part 2 and Title 68, Chapter 126. by *Kisber, *Rinks, *Burchett.

***House Bill No. 1969** -- Workers' Compensation - Authorizes reimbursement of travel expenses to see health care provider for injured worker. Amends TCA Section 50-6-204 and Section 50-6-205. by *Curtiss.

House Bill No. 1970 -- Election Laws - Requires county to pay costs of second municipal election required by county election commission error. Amends TCA Section 2-12-109. by *Halteman Harwell.

***House Bill No. 1971** -- Homestead Exemptions - Increases homestead exemptions. Amends TCA Title 26, Chapter 2, Part 3. by *McDonald.

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***House Bill No. 1972** -- Highway Signs - "Judge Mac Farrar Memorial Highway," segment of setoff, Bedford County. by *Phillips.

***House Bill No. 1973** -- Mental Health and Mental Retardation, Dept. of - Adds Lincoln County to counties participating in pilot program to reimburse licensed supportive living facilities for mentally ill. Amends TCA Title 12, Chapter 4, Part 3. by *Phillips.

***House Bill No. 1974** -- Highway Signs - "Dick Clark Highway," S.R. 254, Davidson County. by *Phillips.

***House Bill No. 1975** -- Historical Sites - Provides for erection of historical plaque at Routt-Wells Cemetery in Lincoln County. by *Phillips.

***House Bill No. 1976** -- Codes - Provides that statewide electrical code adopted by state fire marshal has priority over all conflicting electrical codes in counties or cities having multiple code jurisdictions. Amends TCA Section 68-102-113. by *Buck, *Hicks, *Phillips, *Turner (Shelby).

House Bill No. 1977 -- DUI/DWI Offenses - Permits court to order issuance of restricted driver license to person for first time arrest or conviction of driving while impaired. Amends TCA Title 55, Chapter 10, Part 4 and Title 55, Chapter 50, Part 5. by *Buck.

***House Bill No. 1978** -- Highway Signs - "J.L. Bush Memorial Bridge," U.S. 64, Cannon County. by *Buck.

***House Bill No. 1979** -- Highway Signs - "Paul L. Brandon Memorial Bridge," Carson Fork Bridge, U.S. 64, Cannon County. by *Buck.

***House Bill No. 1980** -- Law Enforcement - Adds illegal sale of large amounts of controlled substances to list of offenses to which Wiretapping and Electronic Surveillance Act of 1994 applicable. Amends TCA Title 40, Chapter 6, Part 3. by *Buck.

House Bill No. 1981 -- Advertising - Makes provisions establishing specific service sign system on interstate highways applicable in all counties. Amends TCA Title 54, Chapter 5, Part 11. by *Buck.

***House Bill No. 1982** -- Criminal Procedure - Gives criminal defendant or defendant's attorney right to receive copy of any arrest or search warrant served upon defendant at cost not to exceed \$.25 per page. Amends TCA Title 40, Chapter 6. by *Buck.

***House Bill No. 1983** -- Banks and Financial Institutions - Prohibits transactional fees greater than \$0.50 for cashing checks issued by United States or Tennessee government. Amends TCA Title 45. by *Buck.

House Bill No. 1984 -- Highways, Roads and Bridges - Adds historical markers erected by not-for-profit corporations to exceptions to restrictions placed upon advertising by Scenic Highway System Act. Amends TCA Title 54, Chapter 17. by *Buck.

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House Bill No. 1985 -- Sports - Creates Class E felony offense for sports agent to offer or give anything to student athlete for purpose of inducing student athlete to enter agent contract with such agent. Amends TCA Title 49, Chapter 7, Part 21. by *Buck.

***House Bill No. 1986** -- Workers' Compensation - Removes exclusive remedy of workers' compensation in cases involving injury or death when employer has two prior TOSHA violations in last two years. Amends TCA Title 50, Chapters 3 and 6. by *Buck.

***House Bill No. 1987** -- Safety - Transfers enforcement of TOSHA penalties to attorney general; provides for enforcement hearings before administrative law judge; abolishes occupational safety and health review commission. Amends TCA Title 4 and Title 50. by *Buck.

***House Bill No. 1988** -- Workers' Compensation - Authorizes department of labor to set certain insurance standards concerning workers' compensation insurance. Amends TCA Title 50, Chapter 6 and Title 56. by *Buck.

House Bill No. 1989 -- Statutes - Codifies public acts of 1995. by *Purcell.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1950 -- Chiropractors -- House Health and Human Resources Committee

***House Bill No. 1951** -- DUI/DWI Offenses -- House Judiciary Committee

***House Bill No. 1952** -- Animals -- House Agriculture Committee

***House Bill No. 1953** -- Surveyors -- House Commerce Committee

***House Bill No. 1954** -- Highway Signs -- House Transportation Committee

***House Bill No. 1955** -- Highway Signs -- House Transportation Committee

***House Bill No. 1956** -- Pardons and Paroles -- House State and Local Government Committee

House Bill No. 1957 -- Jails, Local -- House State and Local Government Committee

***House Bill No. 1958** -- Bail, Bail Bonds -- House Judiciary Committee

***House Bill No. 1959** -- Adoption -- House Judiciary Committee

***House Bill No. 1960** -- Public Records -- House Judiciary Committee

CONSENT CALENDAR

Senate Joint Resolution No. 288 -- Memorials, Retirement - Charles F. Holmes, University of Memphis. by *Cohen, *Haun, *Holcomb, *Crowe, *Wallace, *McNally, *Atchley, *Gilbert, *Koella, *Miller J, *Crutchfield, *Fowler, *O'Brien, *Elsea, *Cooper, *Burks, *Womack, *Rochelle, *Wright, *Harper, *Haynes, *Henry, *Rice, *Jordan, *Hamilton, *Springer, *Wilder, *Carter, *Kyle, *Ford J, *Person, *Leatherwood, *Dixon.

Speaker Naifeh moved that all members voting aye on **Senate Joint Resolution No. 288** be added as prime sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 884: Rep(s). Burchett as prime sponsor(s).

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MESSAGE FROM THE SENATE

January 11, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 375; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

January 11, 1996

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 377.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

January 11, 1996

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 375.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

January 11, 1996

The Speaker signed the following: House Joint Resolution(s) No(s). 375.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 11, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 375; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

January 11, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 288; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
January 11, 1996

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 375.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
January 11, 1996

The Speaker signed the following: Senate Joint Resolution(s) No(s). 285 and 288.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

Representative Purcell moved that, pursuant to Senate Joint Resolution No. 285, the House stand in a brief recess for the joint convention to hear the State of the State Address, at the conclusion of which, pursuant to House Joint Resolution No. 375, the House will stand in recess until 2:00 p.m. on Wednesday, January 17, 1996.